

Angela Phillips

From: Greg Puckett <ggpuckett@hotmail.com>
Sent: Monday, September 21, 2020 12:31 PM
To: Planning.Zoning; Mark Mussman
Subject: North Fork Zoning Appeal

To: Mr. Mark Mussman, Flathead County Planning and Zoning

Please also forward to: Flathead County Board of Adjustment

Subject: North Fork Appeal of zoning administrator interpretation

Date: September 21, 2020

In this zoning appeal, on the appeal form, Item 10, number 1, the appellant quotes from the North Fork zoning "a rental cabin may be built at a density of one for each five acres of contiguous property owned". The appellant only stated the first part of this specification from the North Fork Zoning and has left out a following sentence which states "One rental cabin is allowed per tract of record regardless of acreage." Therefore we agree with the zoning administrator's interpretation and support the Board of Adjustment to deny this appeal.

As North Fork landowners for almost seventeen years it has always been presented to us by the Flathead County Planning and Zoning Office, as far back as when Forest Saunderson was the zoning administrator, that zoning in the North Fork is per parcel. It is obvious to anyone who reads the North Fork Zoning as it is stated regarding the rental cabin density, that it is a per parcel zoning specification.

Regarding Item 10, numbers 2 and 3, we ask: Why is the appellant (NFLUAC) challenging a wall tent with a log superstructure saying it doesn't qualify as a rental when even one of their own committee members, Jim Rittenburg, has been renting out plain old wall tents on his property since 2016 by listing them on AirBNB? Is it simply that Mr. Rittenburg may be in violation of zoning and the committee is willing to look the other way because he is in their "circle" ?

In summary, please deny the appeal.

Additionally we have serious concerns regarding the NFLUAC plans as stated during their September 10, 2020 meeting, their tactics, comments and their lack of professionalism. Please see our further comments below.

Thank you for your consideration of the above matters.

Beth & Greg Puckett
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The following observations and concerns stem from attending the September 10, 2020 North Fork Land Use Planning Advisory Committee (NFLUAC) meeting. Please note we audio recorded this public meeting and we will refer herein to comments on the recording at the approximate time points in the recording where they occurred.

- NFLUAC attempting to rewrite zoning -

One significant area of concern is that this NFLUAC committee is planning to attempt to write and pass text amendments to change zoning while attempting to represent these text amendments simply as clarifications. They know full well that what they are attempting to do is rewrite portions of the North Fork Zoning. At 19:52 Jim Rittenburg began listing various potential zoning revisions via text amendments to revise zoning. At one point one of the committee members, Larry Wilson (41:25) noted there could be as many as twenty text amendments. At 39:27 Don Sullivan, committee member states that the committee has to be careful that this may be viewed as them attempting to revise zoning.

Our comment: Of course they are attempting to "slide in" text amendments to rewrite the zoning while presenting them as just simple clarifications.

- Text amendment subcommittee -

At 47:25 Randy Kenyon, NFLUAC Chairman, presented the creation of a text amendment subcommittee. It was alluded to that this subcommittee will meet in private and make decisions on the text amendments, their wording, etc. We question whether it is legal to hold these proceedings in private without public notice, public input, discussion and scrutiny.

Our comments and questions:

Is it legal to have a subcommittee that meets in private? Historically the NFLUAC has been known to gather with a quorum of committee members and discuss zoning items without public scrutiny, much less without public notification, etc.

Will these subcommittee meetings be recorded and complete detailed typed minutes will be submitted to the county in a timely fashion where they are publicly available for review?

- Unprofessional committee member behavior, tone of NFLUAC Committee Member(s) -

1) At 18:40 there was discussion amongst the committee members regarding the upcoming October 6, 2020 Board of Adjustment meeting and how to sway the BOA to approve the appeal. (We were unable to attend the August BOA meeting being referenced but have reviewed the very detailed meeting minutes provided by the county.) Of this August BOA meeting Larry Wilson, NFLUAC committee member states, "One guy voted our way." and it sounded like this BOA member was on the fence with his vote. After reviewing the meeting minutes of the BOA we believe Mr. Wilson is referencing Board of Adjustment member, Mr. Netteberg. During the September 10, 2020 NFLUAC meeting Mr. Wilson stated "I'll have to spike his gun." referencing Mr. Netteberg.

2) When discussing the Numa Peak Lane property issue: At 53:00 Larry Wilson, committee member, makes recommendations to the committee members and those in attendance to get evidence of violations, take pictures. We have seen this property. Given that it would be difficult to observe from the road the people and structures at the Numa Peak Lane property that is the subject of the appeal, it would appear that Mr. Wilson is suggesting people trespass on that property. Mr. Wilson went on to state that he went on to this property under the pretense of inspecting their firepit. He stated "he was met by three men who were not armed". We are not sure why he mentioned that the three men were unarmed.

We have serious concerns regarding the tactics of some members of this committee and what they are recommending. If they suspect some violation they should notify Flathead Planning and Zoning and proceed through the proper channels. We do not believe the NFLUAC has enforcement authority as part of their committee authorization and by entering someones property they are nothing more than trespassers. And we

add, why would Mr. Wilson believe he has any authority to trespass on anyone's property to inspect their fire ring? Neither he nor anyone else has the authority to do this. This is a serious problem with this committee.

3) We have to question a committee that targets new landowners yet overlooks one of their committee members, such as Jim Rittenburg, that is doing the same/similar things as the landowner they are targeting. We believe these committee members know of numerous zoning violations in the North Fork, even involving some committee member properties, such as building setbacks, possible density violations, etc., yet choose to look the other way.

4) We have noticed the meeting minutes this committee has been submitting to the county are submitted late. Also, the meeting minutes are not adequate. The meeting minutes are not detailed like the minutes of meetings such as the BOA meetings. The NFLUAC meeting minutes are nothing more than an outline that do not provide the reader with the full content of the meeting. We recommend they record all of their meetings with video and audio, and submit these to the county with completely detailed documented typed minutes so that all interested parties can review them.

5) In this NFLUAC meeting we heard numerous items of inaccurate information from committee members. Additionally, there were negatively toned comments from the committee regarding at least one business owner in the North Fork. These types of comments by committee members are inappropriate in a public committee meeting.

We believe they may behave better if they are on video/audio recording. In this occurrence we were able to witness the attitudes, inaccuracies and unprofessional activities of this group.

- Summary -

In summary, we recommend that the county take a serious look at this committee and evaluate its motives, processes and behavior. Our opinion is that the land use committee should be abandoned, or at a minimum, redefined appointing only at-large landowners. This committee is composed of members of private organizations, the North Fork Landowners Association, the North Fork Preservation Association, the North Fork Compact and ONE county representative. Some (all?) of these private organizations require a landowner pay dues to be a member. How is true public representation justified when you have to pay dues to a private organization for that representation? We ask, why would the county continue with a committee that is in control of these private organizations? We are not members of any of these private organizations. They do not represent us. We believe this to be true for many North Fork landowners.

The North Fork zoning has been running just fine for at least ten years and the zoning needs no revisions. We are confident the Board of Adjustment can handle any items that arise.

If Flathead County Planning and Zoning and/or the Board of Adjustment would like a digital copy of the audio file that we have, for their reference, please let us know. The file record is about an hour and twenty three minutes.